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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/501,980	12/30/2004	Wolfgang Bohme	033033-022	3414
21839	7590	01/25/2006	EXAMINER	
BUCHANAN INGERSOLL PC (INCLUDING BURNS, DOANE, SWECKER & MATHIS) POST OFFICE BOX 1404 ALEXANDRIA, VA 22313-1404			KIRKLAND III, FREDDIE	
			ART UNIT	PAPER NUMBER
			2855	

DATE MAILED: 01/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/501,980	<b>Applicant(s)</b> BOHME ET AL.	
	<b>Examiner</b> Freddie Kirkland III	<b>Art Unit</b> 2855	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 30 December 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5-7 is/are rejected.
- 7) ☒ Claim(s) 4 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 July 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>12/30/04</u> . | 6) <input type="checkbox"/> Other: _____  |

### ***Specification***

The abstract of the disclosure is objected to because the abstract of the disclosure does not commence on a separate sheet in accordance with 37 CFR 1.52(b)(4). A new abstract of the disclosure is required and must be presented on a separate sheet, apart from any other text. Correction is required. See MPEP § 608.01(b).

### ***Claim Objections***

Claim 1 is objected to because of the following informalities: the terms "the former" line 11 of claim 1 is unclear. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Sommer US Patent 4,107,985.

With respect to claim 1, Sommer teaches a load cell for measuring force comprising a force measuring sensor (strain gauges 36 and 37) integrated on a first connecting structure (11), a second connecting structure (17) which is opposite the first connecting structure, at least two force measuring sensors are disposed on said force measuring cell (figure 1) in such a manner that the distance between the sensors and

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the first connecting structure is smaller than the distance between the sensors and the second connecting structure (figure 1), said force measuring cell is provided with a housing (figure 1, the load cell) which has a thinner wall thickness in the region of said force measuring sensors than in the other housing region (figure 1), and said force measuring cell has more stable type of construction regarding elastic deformability in the region of said second connecting structure than in the region of said first connecting structure (figure 1).

With respect to claim 2, Sommer teaches said connecting structure being a screw connection (figure 1, connected by threaded hole 16).

With respect to claim 3, Sommer teaches said connecting structure being a flange or bolt connecting (col. 1 lines 60-68 and col. 2 lines 1-8, teaches that the connecting could be "other load receiving member").

With respect to claim 5, Sommer teaches said housing is designed axially symmetrical to an axis of symmetry along which the tensile force acts on said force measuring cell (figure 1).

With respect to claim 6, Sommer teaches said at least two force measuring sensors (36 and 37) are applied on said housing in symmetrical arrangement relative to said axis of symmetry (figure 1).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

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the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains.

Patentability shall not be negated by the manner in which the invention was made.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sommer US Patent 4,107,985 in view of Grange et al. US Patent 5,508,676.

With respect to claim 7, Sommer fails to teach the force cell containing titanium.

Grange teaches a transducer which can contain titanium (col. 4 lines 27-61).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the method from Grange of using titanium in the invention of Sommer in order to make the load cell more elastic (col. 4 lines 27-61).

***Allowable Subject Matter***

Claim 4 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 4 is found to be allowable over the prior art because the prior art does not disclose or suggest the claimed " wherein said two pressure plates of said force measuring cell can be pressed against each other by means of firm, detachable pressure means the tensile sample can be pressed between said pressure plates with force, and said at least one force measuring sensor is disposed on said pressure plates at a distance from said pressure means" in combination with the remaining claim steps as set forth in claim 4.

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**Conclusion**


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Freddie Kirkland III whose telephone number is 571-272-2232. The examiner can normally be reached on Monday through Friday 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eddie Lefkowitz can be reached on (571) 272-2180. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

FKIII

1/23/06

  
EDWARD LEFKOWITZ  
SUPERVISORY PATENT EXAMINER  
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